

OATH, POWER OF ATTORNEY, AND PETITION

Being duly sworn, We, Timothy J. Hall, Mark A. Schwartz, and Steven M. Hamer, depose and say that: (1) our respective residences, citizenships, and mailing addresses are indicated below; (2) we have reviewed and understand the contents of attached specification, including the claims, as amended by any amendment specifically referred to herein, (3) we verily believe that we are the original, first, and joint inventors or discoverers of the invention or discovery in

GPS-BASED TRAFFIC CONTROL PREEMPTION SYSTEM

described and claimed therein and for which a patent is sought; and (4) we hereby acknowledge our duty to disclose to the Patent and Trademark Office all information known to us to be material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56.*

We hereby appoint Gary L. Griswold (Reg. No. 25,396), Walter N. Kirn (Reg. No. 21,196), Roger R. Tamte (Reg. No. 21,093), Warren R. Bovee (Reg. No. 26,434), Gerald F. Chernivec (Reg. No. 26,537), Carolyn A. Bates (Reg. No. 27,853), John C. Barnes (Reg. No. 20,278), and Kari H. Bartingale (Reg. No. 35,183) our attorneys with full powers (including the powers of appointment, substitution, and revocation) to prosecute this application and any division, continuation, continuation-in-part, reexamination, or reissue thereof, and to transact all business in the Patent and Trademark Office connected therewith; the mailing address and the telephone number of the above-mentioned attorneys are

Attention: Kari H. Bartingale
3M Office of Intellectual Property Counsel
P.O. Box 33427
St. Paul, Minnesota 55133-3427
 Telephone No. (612) 733-1500

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the attached specification and we hereby subscribe our names to the foregoing specification and claims, oath, power of attorney, and this petition, this 7th day of January, 1994.

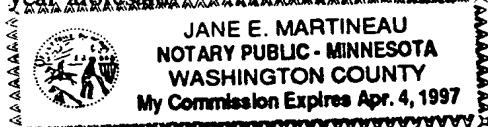
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STATE OF MINNESOTA }
 COUNTY OF RAMSEY } ss.
 (3)

Before me personally appeared Timothy J. Hall, Mark A. Schwartz, and Steven M. Hamer, to me known to be the persons described in the above application for patent, who signed the foregoing instrument in my presence, and made oath before me to the allegations set forth therein as being under oath, on the day and year aforesaid.

(Seal) 

*Title 37, Code of Federal Regulations, §1.56 is reproduced on the back of this page.

This form may be executed only when attached to the specification (including claims) as the last page thereof.

O.Jnt/031392

Notary Public

over



§1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.